

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY, 1998

BEFORE

THE HON'BLE MR. JUSTICE H.L.DATTU

WRIT PETITION 3100/1993

BETWEEN :

M.S. Aradhyamath
s/o. Sangayya,
aged about 50 years,
Tabla Accompanist,
University College
of Music,
Dharwad.

... PETITIONER

(By Sri H.C. Sundaresh for
M/s. Nyayamitra Associates, Advs.)

AND :

Karnataka University
University Campus,
(Parvate Nagar),
Dharwad by its Registrar.

... RESPONDENT

(By Sri Praveen Kumar Raikote, Adv.)

This writ petition is filed under Articles 226 and 227 of the Constitution of India with a prayer to quash the notification dated 01.10.1991 and etc.

This writ petition coming on for hearing this day, the Court made the following;

O_R_D_E_R

Petitioner claims that he is the holder of Master Degree in Music. He is before this Court

...2. //

inter alia seeking a writ in the nature of certiorari to quash the notification issued by the respondent University dated 01.10.1991 in so far as it relates to the post of lecturer in Tabla (Music) in the University college of Dharwad solely on the ground that petitioner was not called for the interview and secondly for a direction to the respondents to consider the case of the petitioner for the post of lecturer in Tabla on merits.

2. Respondent University by a notification dated 01.10.1991 had invited applications from eligible and qualified candidates for several posts of lecturers in the University. One of the posts for which applications were invited by the University was for the post of lecturer in ^uMusic. The notification also prescribed the eligibility criteria for the candidates to apply to the post of lecturer in different disciplines. One such criteria was that the candidate must have secured not less than 55% of marks at the Master's Degree examination in the relevant subject or its equivalent grade and should possess good academic record.

3. Pursuant to the aforesaid notification issued by the University, petitioner had applied for the post of lecturer in Tabla. According to him he has all the

necessary qualifications as^{per} the eligibility criteria prescribed under the notification. Since he was not called for the interview for the post of lecturer in Music he had approached this Court for the reliefs as indicated by me earlier.

4. Respondents have filed detailed statement of objections. In that they categorically assert that petitioner had secured less than 55% of marks in the Master's Degree examination in Mysic and since he ~~did not~~ fulfill the requisite conditions under the notification, he was not called for the interview by the University.

5. Learned counsel appearing for the petitioner is not in a position to disputethe assertions made by the respondent University nor he is in a position to bring to my notice that petitioner had secured more than 55% of marks in the Master's Degree examinations in Music. In view of that I am left with no other alternative but to accept the assertions made by the respondent University.

6. Since petitioner did not have the requisite qualification, rightly the respondent University had not called him for the interview for the post of lecturer in Music. This Court cannot take any exception

to the action of the University and this Court
cannot ^{characterize the} ~~turn down~~ the action of the respondent
University as arbitrary or illegal. In that view
of the matter, the relief sought for by the pet-
itioner in this writ petition cannot be granted by
this Court. Accordingly petition is rejected. In
the facts and circumstances of the case, parties
are directed to bear their own costs. Ordered
accordingly.

Sd/-
JUDGE

LRS/280598.